IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.12269 of 2006

Dated: October 5, 2007

Between:

Addanki Venkataramaiah, S/o. late Bapaiah,
Male, Hindu, age: 65 years, Occ: Cultivation,
R/o. Damavaripalem, North Addanki (V&M)
Prakasam District.

… Petitioner

And

Sub Registrar, Addanki (V&M)
Prakasam District.

… Respondent

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondent in refusing to receive and register rectification deed dated 12-06-2006 executed by one Sri Sheik Ibrahim Saheb in favour of the petitioner as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondent.

3. In the affidavit filed in support of the writ petition, it is stated that petitioner purchased land admeasuring Ac.2.50 cents covered by Sy.No.201 of North Addvanki Village and Mandal, Prakasam District, from Sri Sheik Ibrahim Saheb, by registered sale deed dated 25-01-1996, vide document No.1116 of 1996. However, it is stated that in the sale deed, the survey number was mentioned as '200' instead of '201'. In view of the same, vendor of the petitioner executed rectification deed rectifying the survey number as '201' and when the said document was presented for registration, the respondent, Sub Registrar, Addanki, refused to accept and register it.

4. Respondent has filed counter affidavit stating that petitioner has not submitted any document as alleged. It is stated that so far as land in Sy.No.200 is concerned, it is a Government land. It is further stated that petitioner had just taken an advice from the office; however, no document was presented for registration.

5. While it is the case of the petitioner that rectification deed presented before the respondent was not accepted, in the counter affidavit filed by the respondent it is stated that no such document was presented at all.

6. It is not known whether the petitioner has presented the rectification deed for registration and if he has done so, what are the reasons for not accepting the same. Whenever documents are presented for registration, the registering authority is bound to receive the same and cannot refuse to receive it at the threshold. However, the authority is entitled to raise any objections for the documents to be registered and should give reasons for declining to register the documents in view of the provisions of Section 71 of the Registration

Act, 1908.

7. As much as petitioner alleges that the document presented by him is not being received by the respondent, I dispose of the writ petition directing the respondent to receive the document proposed to be presented by the petitioner for registration and consider the same in accordance with the provisions of the Registration Act, 1908 ('the Act' for brevity) and the rules made thereunder. It is clarified that if there are any objections for registering the said document, it is open for the respondent to make an endorsement to that effect, record reasons and communicate the same to the petitioner as per Section 71 of the Act. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

October 5, 2007
MRR